

ORDINANCE NO. 3636

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AMEND SECTIONS 7.04.01 and 7.05.031 OF THE CITY OF CUMBERLAND ZONING ORDINANCE (ORDINANCE NO. 3607, PASSED MARCH 18, 2008), TO AMEND THE TIMEFRAME WITHIN WHICH A ZONING APPEAL MAY BE FILED WITH THE ZONING BOARD OF APPEALS."

WHEREAS, ARTICLE 66B of the Annotated Code of Maryland empowers municipalities with the authority to enact and amend zoning ordinances and to provide for their administration and enforcement;

WHEREAS, in accordance with the foregoing, the Mayor and City Council deem it necessary for the purpose of promoting the health, safety, morals, or general welfare of the City of Cumberland to occasionally amend its Zoning Ordinance, as local needs and changes in State or Federal laws may warrant;

WHEREAS, City staff has researched zoning appeals provisions of other municipalities and determined that most of them provide for a thirty (30) day period within which zoning appeals must be filed rather than the forty-five (45) days provided by Sections 7.04.01 and 7.05.031 of the City of Cumberland Zoning Ordinance;

WHEREAS, the City of Cumberland Municipal Planning and Zoning Commission held a public hearing on the subject matter of this Ordinance on the 9th day of February, 2009, and has determined that it should recommend the amendments to the City of Cumberland Zoning Ordinance which are the subject of this Ordinance, said recommendation being set forth in its final report which was submitted to the Mayor and City Council;

WHEREAS, in considering the matter, the Municipal Planning and Zoning Commission balanced the public's interest in having advance notice of development activities against the need to expeditiously process permits and appeals so that construction and development activities may proceed in a timely manner and determined that a thirty (30) day period for filing zoning appeals sufficiently serves both of those interests;

WHEREAS, the Mayor and City Council held a public hearing regarding the subject matter of this Ordinance on the 14th day of April, 2009, having published notice of the time and place of the hearing together with a summary this Ordinance in the Cumberland Times-News, a newspaper of general circulation in the

City of Cumberland, once each week for two (2) successive weeks, with the first such notice having been published on March 31, 2009, said notice being published at least fourteen (14) days before the hearing as required by Section 4.04(b) of Article 66B of the Annotated Code of Maryland and Section 15.04.02 of the Zoning Ordinance;

WHEREAS, consistent with the recommendation of the Municipal Planning and Zoning Commission, the Mayor and City Council determined that a forty-five (45) day zoning appeal filing deadline may result in unnecessary and excessive delays for applicants seeking authorization to begin construction activities in accordance with the terms of permits issued by the City and that a thirty (30) day deadline would promote the general welfare of the City of Cumberland;

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that Section 7.04.01 of the City of Cumberland Zoning Ordinance, as enacted by Ordinance No. 3607, passed on March 18, 2008, is hereby amended as follows¹:

7.04.01 Applications/Fees

Appeals to the Zoning board of Appeals may be taken by any person or entity aggrieved or affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time, not to exceed ~~forty-five (45)~~ **THIRTY (30)** days from the date of the action, decision, or official interpretation, by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. All persons hereafter taking an appeal from the decision of the Zoning Administrator to the Board shall be subject to the payment of a reasonable fee, same to be decided upon from time to time by the Mayor and City Council, for filing, docketing, hearing, and recording of such appeal, as well as for the service of notices thereof. The fee or charge shall be paid to the Mayor and City Council prior to the entry and filing thereof. The

¹ Stricken out text denotes language stricken from the Zoning Ordinance. Bold print text denotes language added to the Zoning Ordinance.

Zoning Administrator shall collect and receive all such appeal fees.

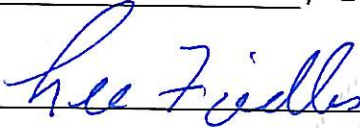
SECTION 2: AND BE IT FURTHER ORDAINED, that Section 7.05.031 of Chapter 33 of the Code of the City of Cumberland, as enacted by Ordinance No. 3607, passed on March 18, 2008, is hereby amended as follows:

7.05.031 Legal Requirements/Standards

An appeal to the Board may be made by any person aggrieved or by any officer, department or board within the jurisdiction affected by the decision or interpretation of the Zoning Administrator. Such appeal shall be made within ~~forty five (45)~~ THIRTY (30) days of the decision of the Zoning Administrator by filing a notice of an appeal on the forms provided by the Department. Such notice shall specify the nature or grounds of the appeal and shall contain such additional information as may be needed to explain the appeal. Fees associated with the appeal shall be paid at the time of the filling in accordance with the fee schedule established per Section 4 (Fees).

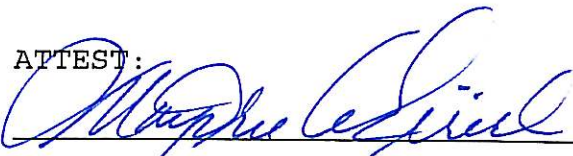
SECTION 3: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect ten (10) days from the date of its passage.

Passed this 28th day of April, 2009.



Lee N. Fiedler, Mayor

ATTEST:



Marjorie A. Eirich, City Clerk

1st Reading: March 31, 2009

2nd Reading: April 28, 2009

3rd Reading: April 28, 2009

Effective Date: May 8, 2009

Published: 3/31/09 and 4/07/09